

AUG 04 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John Jianhua Chen, Lixiao Wang, Yiqun Wang, Albert C.C. Chin

Application No.: 09/885568

Filed: June 20, 2001

For: Dimensionally Stable Balloons

Examiner: Sow Fun Hon

Group Art Unit: 1772

Firm Docket No.: S63.2B-9515-US01

DATE: August 4, 2005 TIME: 1:22 pm FACSIMILE NO.: 1-571-273-1492TOTAL NUMBER OF PAGES (including transmittal letter): 5

## FACSIMILE TRANSMITTAL LETTER

Following please find a 2 page Terminal Disclaimer; 1 page Assignee's Statement of Ownership; 1 page Article of Merger; and 1 page Facsimile Transmittal Letter.

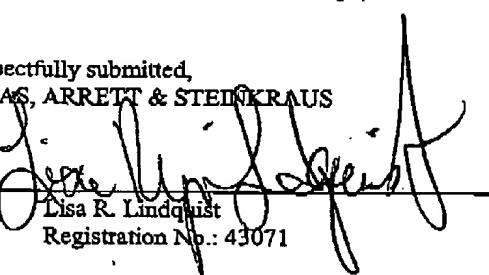
With respect to fees:  No additional fee is believed to be required  
 Charge \$130.00 fee to our Deposit Account No. 22-0350

## Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,  
 VIDAS, ARRETT & STEINKRAUS

By:   
 Lisa R. Lindquist  
 Registration No.: 43071

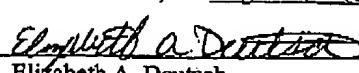
Date: August 4, 2005

6109 Blue Circle Drive, Suite 2000  
 Minnetonka, MN 55343-9185  
 Telephone: (952) 563-3000  
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## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-1492, on August 4, 2005.

Signature:   
 Elizabeth A. Deutsch

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Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-9515-US01

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

The owner, Boston Scientific Scimed, Inc. (formerly known as Scimed Life Systems, Inc.) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,905,743. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

08/08/2005 HLE333 00000014 220350 09885568  
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Check either box 1 or 2 below, if appropriate.

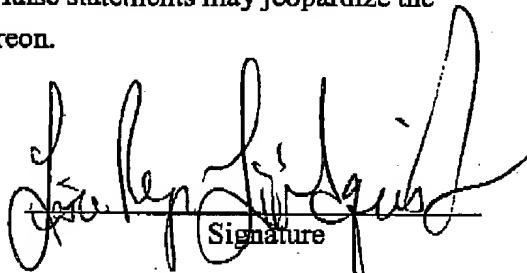
1.  For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf on the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

August 4, 2005

Date



Signature

Lisa R. Lindquist  
Typed or printed name

- Terminal disclaimer fee under 37 CFR 1.20(d) included.
- PTO suggested wording for terminal disclaimer was
  - unchanged  changed ( if changed, an explanation should be supplied).

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P.O. Box 1450  
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## ASSIGNEE'S STATEMENT OF OWNERSHIP 37 CFR 3.73(B)

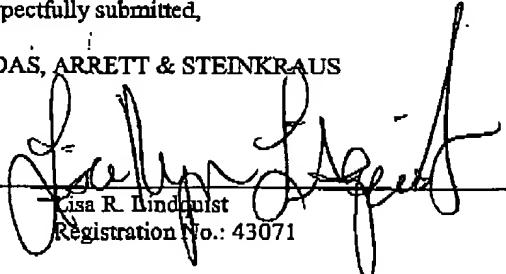
Boston Scientific Scimed, Inc., formerly known as, Scimed Life Systems, Inc. a corporation is the assignee of the entire right, title and interest in the patent application identified above by virtue of a chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From : John Jianhua Chen, Lixiao Wang, Yiqun Wang and Albert C.C. Chin To: Scimed Life Systems, Inc.  
The document was recorded in the Patent and Trademark Office at Reel 011936, Frame 0569, or for which a copy thereof is attached.
2. From : Scimed Life Systems, Inc.  
To: Boston Scientific Scimed, Inc.  
by name change for which a copy thereof is attached

The undersigned is empowered to sign this statement of ownership certificate on behalf of the assignee.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By:   
Lisa R. Lindquist  
Registration No.: 43071

Date: August 4, 2005

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
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DURSEY WHITNEY LLP

005

4I-1170

**ARTICLES OF MERGER OF  
BOSTON SCIENTIFIC SCIMED, INC.  
WITH AND INTO  
SCIMED LIFE SYSTEMS, INC.**

Pursuant to Minnesota Business Corporation Act, Section 302A, the undersigned, Boston Scientific Scimed, Inc., a Minnesota corporation ("BSS"), and Scimed Life Systems, Inc., a Minnesota corporation ("Scimed Life"), hereby adopt the following Articles of Merger for the purpose of merging BSS with and into Scimed Life, with Scimed Life being the surviving corporation.

1. The Agreement and Plan of Merger between BSS and Scimed Life dated as of December 15, 2004 (the "Merger Agreement"), as required by Minnesota Business Corporation Act, Section 302A.615, subdivision 1, is attached hereto as Exhibit I.
2. The Board of Directors and sole shareholder of BSS approved the Merger Agreement in a joint written action dated as of December 15, 2004 pursuant to Minnesota Business Corporation Act, Section 302A.613.
3. The Board of Directors and all of the shareholders of Scimed Life approved the Merger Agreement in a joint written action dated as of December 15, 2004 pursuant to Minnesota Business Corporation Act, Section 302A.613.
4. The name of the surviving corporation shall be Boston Scientific Scimed, Inc.
5. The merger shall be effective upon the later of 12:01 a.m. on January 1, 2005 or the filing of these Articles of Merger with the Secretary of State of the State of Minnesota.

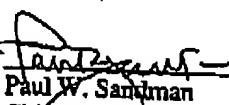
IN WITNESS WHEREOF, BSS and Scimed Life have caused these Articles of Merger to be executed by their respective officers thereunto duly authorized this 22 day of December, 2004.

BOSTON SCIENTIFIC SCIMED, INC.

By: 

Paul A. LaViolette  
Chief Executive Officer and President

SCIMED LIFE SYSTEMS, INC.

By: 

Paul W. Sandman  
Chief Executive Officer

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